

Exhibit C

Liliana Camara Deposition Transcript

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
Civil Action No.: 1:18-cv-1046

HUI MINN LEE,)
)
Plaintiff,) D E P O S I T I O N
)
vs.)
) * C O P Y *
MARKET AMERICA, INC.,)
)
Defendant.,)
)
-----)

LILIANA CAMARA

101 South Elm Street
Greensboro, North Carolina

Tuesday, April 27, 2021
10:03 o'clock a.m.

Cassandra J. Stiles, CVR-M
Certified Court Reporter



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NOTES

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Lee v. Market America

04/27/21

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Name	Offered By	Identified
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None offered



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Lee v. Market America

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STIPULATIONS

Pursuant to Notice and/or consent of the parties, the deposition hereon captioned was conducted at the time and location indicated before *Cassandra J. Stiles*, Notary Public in and for the County of Forsyth, State of North Carolina at Large.

The deposition was conducted for use in accordance with and pursuant to the applicable rules or by order of any court of competent jurisdiction.

Reading and signing of the testimony was not requested prior to the filing of same for use as permitted by applicable rule(s).



1 The witness, LILIANA CAMARA, being first
2 duly sworn to state the truth, the whole truth and
3 nothing but the truth, testified as follows:

4 (10:03 o'clock a.m.)

5 EXAMINATION

6 BY MS. GRAY:

7 Q. Good morning, Ms. Camara.

8 A. Good morning.

9 Q. How are you?

10 A. Doing fine.

11 How are you.

12 Q. Good.

13 So my name is Angela Gray, and I am
14 representing Nadine Lee in a lawsuit that she's
15 filed against Market America regarding her
16 termination of employment.

17 Are you aware that you are here today to
18 give deposition testimony with regard to that case?

19 A. Yes, I am.

20 Q. Okay. Great.

21 And we'll just let you state your full
22 name on the record.

23 A. Liliana Camara.

24 Q. Okay. Now, are you currently employed at
25 Market America?



1 A. No.

2 Q. Okay. How long have you been separated
3 from employment at Market America?

4 A. Over three years now. March 2018, I
5 believe it was.

6 Q. 2018?

7 A. Yes.

8 Q. Okay, and where are you currently
9 employed?

10 A. I am self-employed.

11 Q. Oh, I see.

12 And do you still live here in this area?

13 A. Yes.

14 Q. Okay, and what's your company name?

15 A. Spanish Speaking, LLC. I own two
16 companies. And then Atvara Hot Yoga Lounge.

17 Q. Okay.

18 A. It's a yoga studio.

19 Q. Okay, and is that the only work you've
20 primarily done since you left Market America in
21 2018?

22 A. Yes.

23 Q. Okay. Now, what, if anything, did you do
24 to prepare for today's deposition?

25 A. I reviewed some emails.



1 Q. Anything else?

2 A. That's it.

3 Q. That's it?

4 A. That's it.

5 Q. Have you looked at the pleadings in this
6 case?

7 A. No.

8 Q. And have you looked at a document that's
9 entitled Defendant's Initial Disclosures?

10 A. No.

11 Q. You haven't?

12 A. No.

13 Q. Okay. Well, just according to that
14 document, I would submit to you that you have been
15 identified as a witness who has knowledge of various
16 things pertaining to Ms. Lee. And I'm going to talk
17 to you about those various things that pertain to
18 Ms. Lee. And just one at a time. Okay?

19 Because there's about four or five things
20 that you have been identified as having knowledge
21 of.

22 And so that's primarily what I want to
23 talk to you about today. Okay?

24 A. Okay.

25 Q. Now, my understanding is that at the time



1 Ms. Lee left Market America in October of 2017, you
2 were her supervisor. Is that correct?

3 A. Correct.

4 Q. Okay, and as her supervisor, what was your
5 interaction with Ms. Lee generally on a day-to-day
6 basis?

7 A. We would be in meetings, talk personally
8 or exchange emails about whatever was going on for
9 the training department.

10 Q. Did you physically work in the same
11 office?

12 A. Yes.

13 Q. So did you see Ms. Lee on a daily basis?

14 A. Yes.

15 Q. And when Ms. Lee was performing her job
16 responsibilities, did you observe her performing
17 those job responsibilities?

18 A. Do you mean like -- I knew she was in her
19 cubicle, I knew she had trainings going on. But I
20 would never be like in her trainings, in the room
21 where she was doing it, no.

22 Q. So you never observed her trainings?

23 A. No.

24 Q. And in terms of Ms. Lee's job
25 responsibility of training, do you have an estimate



1 of what percentage of her time she spent on
2 trainings?

3 A. What percentage of the time? I do not
4 remember exactly what percentage it was. No, I
5 don't.

6 Q. Do you think maybe 50 percent of her work
7 schedule required her to do trainings?

8 A. It varied. It depended on the season,
9 because we were sort of like a seasonal type
10 company.

11 Q. Uh-huh.

12 A. And so sometimes it could be 50 or more,
13 or sometimes it could be less than 50.

14 Q. Okay. Well, as you sit here today, do you
15 think Ms. Lee has a better knowledge and
16 understanding of how much of her time she spent
17 training while she was at Market America?

18 A. Yes.

19 Q. All right. Now, in terms of the trainings
20 that Ms. Lee conducted, would you agree with me that
21 some of those trainings were conducted by Zoom or
22 some type of Internet type profile?

23 A. We used to use GoToMeeting.

24 Q. And then would you agree with me that some
25 of those trainings were actual live, in-person



1 trainings?

2 A. Yes.

3 Q. Okay, and did some of those live, in-
4 person trainings happen to be conducted in other
5 countries?

6 A. Yes.

7 Q. As you sit here today, do you have a
8 recollection of what other countries Ms. Lee was
9 required to perform live, in-person trainings?

10 A. Malaysia and Singapore and Taiwan.

11 Q. Was Ms. Lee responsible, to your
12 knowledge, for performing live, in-person training
13 within the United States?

14 A. Yes.

15 Q. And what states do you recall that she
16 might have to go to to perform those live, in-person
17 trainings?

18 A. States other than North Carolina, it was
19 Monterey, the office that we used to have out in
20 Monterey.

21 Q. California?

22 A. Yes.

23 Q. Okay. Anywhere else that you can think
24 of?

25 A. Hmm.



1 Q. Okay, and, then, with regard to the
2 GoToMeetings platform that you all used, was Ms. Lee
3 responsible for conducting the GoToMeetings training
4 for new hires?

5 A. For the new hires?

6 Probably the only exception for that would
7 be Malaysia. Other than that, no.

8 Q. Okay, and on the GoToMeetings format,
9 would it be Ms. Lee's responsibility to set those
10 meetings up?

11 A. Yes. It was the responsibility of each
12 trainer to set up their own trainings.

13 Q. Okay. Now, aside from her interactions --
14 your interactions with her -- well, let me go back
15 and ask you this.

16 With regard to Ms. Lee's GoToMeeting
17 trainings, did you ever observe any of those
18 trainings?

19 A. No.

20 Q. And with regard to her live, in-person
21 trainings in other countries, which you've mentioned
22 Malaysia, Singapore and Taiwan, did you observe any
23 of those trainings?

24 A. No.

25 Q. And then, with regard to the live, in-



1 person trainings in North Carolina and California,
2 did you observe any of those trainings?

3 A. No.

4 Q. And were you required to take any of those
5 trainings as part of your position?

6 A. Yes. At the beginning, when I was hired,
7 yes.

8 Q. Over what period of time were you required
9 to take those trainings?

10 A. I took the first unfranchise services
11 training that lasted, if I remember correctly, eight
12 weeks. And then some other trainings, new programs
13 or different things.

14 So I would say within the first probably
15 two to four months that I was there, I would attend
16 her trainings.

17 Q. During those trainings, was Ms. Lee the
18 only individual who was performing or conducting the
19 training sessions?

20 A. Yes. And Cherri would do a segment, maybe
21 like the customer service or soft skills for the
22 representatives. So she would do that segment. But
23 it wa a small segment.

24 Q. Okay, so primarily, the segments or the
25 sessions rather, would be conducted by Ms. Lee.



1 Correct?

2 A. Yes.

3 Q. Okay, and you mentioned this. You said
4 the unfranchise service. That was considered the
5 UFS training. Correct?

6 A. Yes.

7 Q. And the other training that Ms. Lee also
8 engaged in was the MPCP training. Correct?

9 A. Yes.

10 Q. Okay. I'm aware that she conducted those
11 trainings regularly. She also conducted trainings
12 for new hires, as well as refreshers for current
13 employees. Correct?

14 A. Yes.

15 Q. Now, were you ever physically observing
16 any of the trainings that Ms. Lee conducted with
17 regard to the new hires?

18 A. The first one that I took, yes.

19 Q. Yeah. Not for yourself, but for other
20 individuals who were newly hired with the company

21 A. No.

22 Q. Okay, and other than the refreshers that
23 you say you actually took, did you observe Ms. Lee
24 in any of her other refresher training courses?

25 A. No.



1 Q. Okay. Now, as you sit here today, do you
2 have a recollection of any other primary job
3 responsibilities that Ms. Lee had other than
4 training?

5 A. No.

6 Q. None?

7 A. No recollection. No.

8 Q. Was Ms. Lee required to submit any type of
9 data compilations to you regarding the training that
10 she conducted?

11 A. I mean, other than -- we would -- I'm
12 fuzzy on this memory. But we would keep sort of
13 like a little database or an idea map of what
14 everybody was working on or had been working on. So
15 maybe like a summary or a list, this is what I'm
16 doing, this is what I'm doing. So we would all do
17 that.

18 Q. Okay, so was Ms. Lee required to submit
19 that summary of what she was doing to you on a
20 general basis or a daily, regularly, monthly basis?

21 A. Maybe at least once a year. If it was
22 more than that, it wasn't too often.

23 Q. Okay. Was there a time where you required
24 Ms. Lee to submit any type of written documentation
25 to you about any of her work performance when she



1 failed to do so?

2 A. Can you rephrase that question?

3 Q. Yes.

4 Was there ever a time when you required
5 Ms. Lee to submit something to you in writing
6 regarding her job performance and she failed to do
7 that?

8 A. Not that I remember.

9 Q. Okay, and was there ever a time when Ms.
10 Lee was required to perform a GoToMeeting type
11 training when she failed to do that?

12 A. Not that I remember.

13 Q. Was there ever a time when Ms. Lee was
14 required to perform a live, in-person training
15 outside the United States and she failed to do that?

16 A. Outside of the United States, no.

17 Q. And was there ever a time when Ms. Lee was
18 required to perform a live, in-person training
19 within the United States ---

20 A. --- Oh, hold on. I just remember
21 something ---

22 Q. --- Okay.

23 A. --- About the outside of the U.S.

24 So there was a time where Spain, the Spain
25 office had hired someone whose first language was



1 Mandarin. Because they identified that the majority
2 of their unfranchise services people were Mandarin
3 speakers. So they wanted someone to be able to talk
4 to them in their first language. And Oriental
5 languages, most of them didn't speak anything other
6 than Mandarin.

7 And, then, she was also -- this person was
8 also tri-lingual. So she spoke Mandarin, English
9 and Spanish. Because she had been living in Spain.

10 And so the request that I got from the
11 Spain office was that it was their preference for
12 that training to happen in Mandarin. So I asked
13 Nadine what her thoughts on that was, and it was
14 something that she could fit in her schedule.

15 And she said that, no, that she suggested
16 it should be the same way in which we did the other
17 trainings in the U.S., which was if the person was
18 bilingual, then do it in the local -- you know, with
19 the local program. Because it differed slightly
20 country to country.

21 So she did not do that one, even though
22 that would have been the preference from the client,
23 internal client, which was the Spanish office, and
24 myself.

25 Q. Okay, and in that particular incident, you



1 said Nadine determined that it wouldn't fit in her
2 schedule, and that's partially why she didn't want
3 to do it. Is that right?

4 A. What I remember was that it didn't fit in
5 her schedule. But it was more like she suggested
6 that we should do it the way we did the other
7 trainings, which was in English or in the local
8 language. In this case, would be in Spanish.

9 Q. Uh-huh. Okay, and so was that a problem?

10 A. No. I mean -- no. I would say not
11 necessarily.

12 Q. Okay. Now, was Ms. Lee responsible for
13 setting her own schedule?

14 A. Yes.

15 Q. Did she have to clear her schedule with
16 you for approval?

17 A. No.

18 Q. And at the time, with regard to this
19 incident that you just spoke of, the Spanish
20 individual, did the company lose any money as a
21 result of Ms. Lee's suggestion that the training be
22 conducted like it normally would?

23 A. No. Well, I mean, I couldn't say that for
24 sure, but I wouldn't think so. Because the training
25 was eventually conducted, and everything worked



1 fine.

2 Q. Okay, so I was asking you -- my next
3 question was going to be was there a time when Ms.
4 Lee was required to conduct training within the
5 United States and she failed to do so?

6 A. Yes. So that was more of an issue when we
7 hired anyone that spoke Mandarin and very little to
8 none English. So in that case, she would be asked
9 to perform a different -- sort of like the same
10 training that was happening in this room, she was
11 asked to do it in a different place with the new
12 hires that were not bilingual. And she would
13 refuse.

14 Q. Okay, and when do you recall that
15 happening?

16 A. So there were two instances that I
17 remember very clearly. There may have been more.
18 One was when I actually was in charge of that
19 unfranchise services training. And two reps sat on
20 my training for the entire time, and they were
21 eventually falling asleep in the middle of my
22 training because they did not understand a word of
23 what I was saying. So that was one.

24 And then ---

25 Q. --- They didn't understand what you were



1 saying?

2 A. Yes. Because they didn't speak any
3 English.

4 Q. So how did that affect Nadine?

5 A. Because she refused to do that training
6 for them in Mandarin.

7 Q. So are you saying because she refused to
8 do it, you had to do it, or -- I'm not ---

9 A. --- They have to sit in my training, yes.

10 Q. Okay, and then go ahead. I'm sorry.

11 A. And so that was one.

12 And then another one was when a group --
13 this was a group, and I don't remember exactly the
14 number. But it may have been maybe five reps. And
15 all of them were not bilingual.

16 So it was a long back-and-forth basically,
17 almost until the point that were like, I'm sorry,
18 but you are going
19 to have to do it, because they really and truly
20 don't speak English, so there's nothing we can do.

21 But there was a lot of resistance to do
22 it. And then we had -- when it finally happened
23 that she eventually did the training, we ended up
24 having a lot of concerns about how the quality of
25 that training was. You know, the performance and



1 the overall quality of the training.

2 Q. Okay, and when you say we had concerns
3 about the overall quality of the training, who are
4 you referring to?

5 A. I'm referring to myself and Sherry and
6 Brandi, the head of the unfranchise services
7 department.

8 Q. And did you sit down and talk to Ms. Lee
9 about it?

10 A. No.

11 Q. Why not?

12 A. Let's see, how do I -- I think that at
13 that point, I was taxed with having tried to
14 communicate with Nadine in the past, and getting a
15 lot of resistance as far as, I'm not going to do
16 that, you don't need to know about that. There
17 would be -- I would always try to get her involved
18 in what the team was doing, or get like decision-
19 making.

20 And in my leadership style, decisions
21 should be a group. You know, as a team, we're going
22 to look at the advantages, disadvantages, and decide
23 what is best for the team. And I never felt like
24 that was her mode of operating.

25 So it was whatever she decided to do,



1 that's what she was going to do. And she was doing
2 it right, and there was no questions. You know,
3 there was no question about that. So that's part of
4 it.

5 And then, the other part was that the
6 person who raised the concern about the quality of
7 the training was very adamant. When she raised the
8 concern to us, and by us I mean Brandi first, then
9 myself. And Brandi and I had a conversation with
10 Sherry. She asked please do not share that I was
11 the person bringing this up, because I am afraid
12 this is going to affect, you know, my work
13 environment.

14 So we -- I mean, I wasn't going to sit
15 down with Nadine and say, oh, this person is saying
16 -- is raising concerns about the content and the
17 quality and what's happening. Because we had agreed
18 to respect that person's request or desire of not,
19 you know -- or whatever she was saying to not be
20 discussed out in the open.

21 Q. When did this occur?

22 A. I am really fuzzy on those dates. But it
23 was -- it was that last training. Then there has to
24 be documentation on when that last training
25 happened.



1 Q. Well, give me specifics of when that last
2 training would have happened or where it would have
3 happened, how -- the context of that last training
4 so I can see if I can figure out ---

5 A. --- So it happened, it was -- if I
6 remember correctly, there were going to be third
7 shift reps, and -- which was another issue. Because
8 unfranchise services was requesting for their
9 training to happen sort of like close to a third
10 shift. So that it wouldn't be comfortably working
11 an eight-to-five or six-to-eight weeks and then all
12 of a sudden going into the night.

13 So they request that if we could shift the
14 training hours. That was another thing that Nadine
15 was very
16 resistant of, which I understood that. And nobody
17 wants to work on weird hours. But it was the nature
18 of the business.

19 So whenever we had to do, you know,
20 certain adjustments, we were all willing to do that,
21 because we knew it was temporary. It was just for
22 that period of time.

23 So it was third shift employees. It was,
24 if I remember correctly, at least five. And the
25 training happened in the building. So in the Market



1 -- in the Greensboro office. And it'll be in one of
2 the big conference rooms, not in the training.

3 Because I think the training room was
4 occupied at the time, because this was -- the
5 training was happening simultaneously. So we had
6 one group here, and then Nadine was training this
7 other group.

8 Q. Okay, so who was the person that
9 complained?

10 A. Rose.

11 Q. Rose?

12 A. Uh-huh.

13 Q. What's Rose's last name?

14 A. It completely escaped my mine.

15 Q. Rose complained to you. Is that correct?

16 A. First to Brandi.

17 Q. Okay.

18 A. And then Brandi reached out to me. And
19 then I sat down with Rose. Because she was being
20 trained. She was bilingual.

21 Q. What were her two languages?

22 A. Mandarin and English.

23 Q. Okay, so she sat down with Brandi first.

24 And what was Brandi's title?

25 A. Franchise services director.



1 Q. And then she spoke to you?

2 A. Yes.

3 Q. Without Brandi being present?

4 A. I can't -- I don't remember exactly the
5 order. All I remember is Brandi reaching out to me,
6 saying there's this concern, this is happening. And
7 from that point, I may have talked to Rose by
8 myself, or Brandi may have been there. I just -- I
9 do remember all of us being -- you know, talking
10 about it together.

11 Q. Uh-huh. And did you say that Cherri --
12 was it Sherry Spesock or was it Cherri Watson who
13 was present?

14 A. Sherry Spesock.

15 Q. Okay, so it was you, Brandi and Sherry
16 Spesock?

17 A. Uh-huh.

18 Q. And at the time, what was Sherry Spesock's
19 role?

20 A. The director of human resources.

21 Q. All right, so this incident, you can't
22 remember exactly when it happened. But you know it
23 pertained to the third-shift employees having some
24 training in the Greensboro conference room?

25 A. Yes.



1 Q. And you believe that the person who
2 complained was Rose?

3 A. Yes.

4 Q. Was there anyone else who complained?

5 A. No.

6 Q. She was the only one?

7 A. Yes.

8 Q. And you say you all did not talk to Nadine
9 about this at all. Correct?

10 A. Yes. Uh-huh.

11 Q. Do you know if Sherry talked to Nadine
12 separately about it?

13 A. I don't know.

14 Q. Okay, and also, before we go on to the
15 next point, you talked about another instance before
16 you talked about the third-shift employees. You
17 talked about another incident.

18 A. Yes.

19 Q. Okay. What is your recollection of when
20 that incident occurred?

21 A. It was before the last one I talked about,
22 but I cannot remember exactly when that one was.

23 Q. When that incident occurred, did you speak
24 to Nadine about it?

25 A. Yes. I would tell Nadine several times,



1 you know, are you sure we're not reconsidering this.
2 I mean, they are falling asleep. And I don't even
3 feel like I should tell them to wake up, because to
4 wake up for what, you know.

5 Q. Uh-huh.

6 A. They could not understand anything.

7 And she said, well, this is how we've been
8 doing it. And I'm not -- you know, they have to --
9 like it was very -- that was very frustrating.
10 Because I felt like I could never send my point
11 across of they don't understand the language.

12 It's not that I don't want to -- I mean, I
13 already had six other people in the room. Two more
14 didn't matter to me. It's not -- I mean, I don't
15 want somebody to spend the exact same amount of time
16 I'm spending doing something, doing the same thing
17 just for the, you know, fun of it.

18 It was because they were not getting --
19 they were not being trained.

20 Q. And were these new hires?

21 A. Yes.

22 Q. Okay, so you can't remember when it
23 happened, but you remember that the individuals were
24 new hires?

25 A. Yes.



1 Q. And I believe you said that the ---

2 A. --- This was an eight-week training.

3 Q. Okay, and I believe you said that the
4 training ultimately did happen. But it was that the
5 people -- you felt like the individuals didn't
6 understand.

7 A. Uh-huh.

8 Q. And this was during the time that you also
9 were getting your new-hire training, or not?

10 A. I was doing that new-hire training. I was
11 teaching that training for eight weeks.

12 Q. And Ms. Lee's role was just teaching a
13 segment of that session?

14 A. No. She didn't teach any of it.

15 Q. Okay, and did you complain about that to
16 anyone other than the verbal complaints that you
17 made to Ms. Lee?

18 A. To Colbert.

19 Q. Okay, so you recall that this happened
20 during the time when Colbert was Ms. Lee's manager?

21 A. Yes.

22 Q. So it was before you became Ms. Lee's
23 manager. Is that right?

24 A. It must have been, because -- yes, I
25 believe so.



1 Q. So, then, we agree that it could not have
2 happened after 2016?

3 A. I am -- I really don't remember. I'm very
4 fuzzy on the specific dates.

5 Q. Okay, but what you do recall and what
6 you're certain of is that Colbert was Ms. Lee's
7 manager at the time this incident occurred.
8 Correct?

9 A. So Colbert started -- let's see. I came
10 in November of 2013.

11 Q. Uh-huh.

12 A. And then for a while, and I don't remember
13 how long that while was, we did not really had a
14 head of training. Because Amanda wasn't replaced
15 immediately. But then a few months later, and I
16 wish I could remember when that was, Colbert came
17 in.

18 Q. Okay. Let me just hand you this document,
19 it might help to refresh your recollection about
20 when everything happened. Okay?

21 What I'm handing you is the Declaration of
22 Liliana Camara. And it is -- it has been marked ---

23 A. --- Oh, this one from a while ago. Okay.
24 Never mind.

25 Is this the thing you asked me at the



1 beginning if I remember seeing or have seen? No.

2 Q. No.

3 A. Okay.

4 Q. Okay. What I've handed you is the
5 Declaration of Liliana Camara, which, unfortunately,
6 I do not see a date on this document. Now, I mean,
7 I could be wrong. If you see one, you can point it
8 out. So I'm not sure when you would have prepared
9 this document.

10 But I'm assuming that it was after
11 Nadine's termination ---

12 A. --- Yes.

13 Q. --- In October of 2017.

14 A. Uh-huh.

15 Q. It had to have been made sometime after
16 October 5th of 2017.

17 A. Yes.

18 Q. Can we agree to that?

19 A. Yes.

20 Q. Okay, and, then, perhaps you can review
21 it, and it might refresh your recollection of when
22 Colbert was there.

23 A. Do you have a date for when Colbert was
24 hired?

25 Q. I do not.



1 MS. GRAY: For the record, this
2 document that I've handed you, the Declaration of
3 Liliana Camara, has already been produced to counsel
4 as part of a request for production of documents.
5 It's Bates stamped MA012 through MA014.

6 I'm not going to attach it as an exhibit
7 to this deposition because it would just be
8 duplicitous.

9 MS. DEBOARD: That's fine.

10 Q. (Ms. Gray) If you would like, please just
11 take a minute to review this document, because I'm
12 going to ask you some questions about it.

13 (Witness examined document)

14 A. Okay. I'm done.

15 So going back, unfortunately, I don't see
16 anything here that can help me remember when the
17 issue with the two reps that were in my training
18 class happened. But what I do see here is that in
19 2017.

20 So we talked about this training that
21 needed to happen separately for these reps for third
22 shift in February of 2017. And the other issue was
23 way before. So it had to have been somewhere around
24 2016, maybe late 2015. I don't know.

25 Q. Okay. Well, it says in paragraph number



1 five, on August 15th, 2016, I was promoted to global
2 training manager. Nadine refused to report to me.
3 So an accommodation was reached where Nadine
4 reported to Colbert Trotter, director of global
5 talent and organizational development.

6 This continued until Colbert left Market
7 America on November 11, 2016. At that time, I took
8 over all training responsibilities and Nadine
9 reported to me.

10 A. Correct.

11 Q. So based on that paragraph, would you
12 agree that this incident, the first incident you
13 talked about, could not have occurred after November
14 ---

15 A. --- Oh, yes. Yes.

16 Q. Let me finish my question.

17 A. I'm sorry.

18 Q. November 11, 2016?

19 A. Yes.

20 Q. Okay. All right. Good.

21 Now, let's go back and talk about -- those
22 are the only two instances that you're
23 aware of where Nadine was asked to do some type of
24 live, in-person training within the United States,
25 and there was some problem associated with it or she



1 refused to do it. Correct?

2 A. Those are the two that I have best
3 recollection of it. But it seems to me like every
4 time there was a Mandarin speaker rep that wasn't
5 fluent in -- that wasn't bilingual, we would ask,
6 and the answer will always be no.

7 Q. Did you document that?

8 A. No.

9 Q. Why not?

10 A. This is not -- what I'm about to say is
11 probably not a good reason for why not documenting.
12 But I had a sense -- and this was from my experience
13 from the very first day on the job. That Nadine did
14 whatever she decided she was going to do in her work
15 duties.

16 Like this is what I do, that's it. Nobody
17 tell me what I need to do. This is -- I decide my
18 workload, my trainings, my everything. This is what
19 I do. And I'm not going to do what I'm being told
20 by anybody, supervisor, anybody.

21 And so it was almost to me like that was
22 it. That was the law of the land, sort of, in that
23 department. And it honestly never occurred to me to
24 say let's document this thing that I see from day
25 one.



1 Q. Well, did it occur to you to document it
2 after you became her supervisor?

3 A. What I did do after I became her
4 supervisor was I created a separate folder. When
5 every time I would ask
6 for something and the answer would be no, I'm not
7 going to do that, or no -- or somebody else do it,
8 then I would put that in a separate folder as a way
9 to, if I needed -- because we will be interchanging
10 several emails for several things. So that if I did
11 -- you know, if I have to explain that refusal or
12 that attitude, I had an easy place to find it.

13 Q. And what happened to this separate folder?

14 A. I gave that to Sherry when I left.

15 Q. Sherry Spesock?

16 A. Yes.

17 Q. So just so I'm clear, you had a separate,
18 secret folder?

19 A. No, not a secret, no.

20 Q. Who knew about the folder while you were
21 there?

22 A. It must have been like an Outlook folder
23 where you put stuff, like when you organize your --
24 so that was it. It wasn't secret or anything like
25 that.



1 Q. Who had access to see it?

2 A. I mean, the company has access to all of
3 our emails, so....

4 Q. Well, what I don't understand from you, as
5 a supervisor, Nadine's supervisor specifically, are
6 you saying to me that rather than speak to Ms. Lee
7 or document what she wasn't doing and sharing it
8 with, say, human resources, you just decided to keep
9 a separate folder just in case you might need it at
10 some point in the future?

11 A. No. No. That's not what I said.

12 Q. Okay.

13 A. So we did actually -- so I did talk to
14 Nadine several times about can we work together, can
15 we work as a team, can we agree -- you know, kind of
16 -- I would reach out to her several times. And I
17 will explain to her, I don't understand why you're
18 refusing to conduct these trainings in Mandarin if
19 they do not speak English.

20 And the answer would always be the same.

21 Well, no, because that -- I'm not doing those
22 trainings. You know like it will be that refusal.

23 We will talk about it with Colbert, of course. We
24 will talk about it after. I did talk about it with
25 Sherry.



1 But it was very -- I did complain to
2 Nadine that I did not feel I was getting the
3 teamwork environment that I was hoping for. That
4 she -- in a lot of ways I felt like she was imposing
5 her will on what she was going to do and wasn't
6 going to do, and that I did not want to run the
7 training department in that way. But nothing change
8 anyway. So I did talk to her several times.

9 Q. Uh-huh. So when you talked to Nadine, did
10 you ever give her a written reprimand for poor job
11 performance?

12 A. Not that I remember.

13 Q. Did you ever give her a written reprimand
14 for insubordination?

15 A. No.

16 Q. Did you ever go to Sherry and instruct
17 Sherry or discuss with Sherry your need to issue a
18 written reprimand to Nadine?

19 A. No.

20 Q. For any reason, you never spoke to Sherry
21 about Nadine's job performance until you decided to
22 terminate her. Correct?

23 A. Oh no, no, no, no. We did talk about it.
24 I just didn't say here's what I need to do, or do I
25 reprimand or write her or anything like that.



1 But it was very -- it was like a known
2 issue that Nadine would impose whatever she decided
3 that she was going to do. It was a known issue for
4 all of us that worked with her.

5 Q. Uh-huh.

6 A. And so I did talk about it with Sherry,
7 with Colbert, even with Amanda.

8 Because just as an example, the first day
9 on my job when I was introduced to the group, Amanda
10 discussed, okay, here's how we're going to do this.
11 Here's how we're going to divide up the workload.
12 And Nadine, in front of the entire group, refused
13 and challenged Amanda and said I'm not going to do
14 that.

15 And so we had to end the meeting with
16 Amanda saying, okay, Nadine, you and I are going to
17 discuss this, and then we'll get back to the group.
18 So it was always like that.

19 So I'm not going to do that, I don't
20 agree. I'm not going to do it. This is what I'm
21 going to do, and that's it. So it was -- that was
22 the sense always.

23 Q. That was your sense always. Correct?

24 A. Yes.

25 Q. And a sense that you never really shared



1 in a way that could have been documented to affect
2 Nadine's job performance, i.e., written performance
3 evaluations or written reprimands. Correct?

4 A. Written? No.

5 Q. So you just say you just tolerated it. Is
6 that what you're saying?

7 A. Yes.

8 Q. Why? Why would you just tolerate that?

9 A. So honestly, this was a pretty tough job.
10 Right? So ---

11 Q. --- Wait. Wait. Whose job are you
12 referring to was ---

13 A. --- Working in the job ---

14 Q. --- Nadine's or yours?

15 A. So the -- I'm going to talk specifically
16 about the unfranchised services training.

17 Q. Okay.

18 A. It was the toughest part of that job. And
19 one thing that was very evident was that after doing
20 that job for a while, you became burned out.

21 So part of the reasons why Nadine will
22 refuse, and she'll talk about this a lot, is I've
23 been doing this for too long, I'm tired. I don't
24 want to do this anymore. And honestly, I totally
25 understood.



1 Because with -- I mean, it was super
2 taxing. And I would try to put myself in her shoes
3 as much as I could. I mean, like I would be like if
4 I had been doing this for 17 years, I would be
5 wanting to not do it either. You know what I mean?

6 So it wasn't -- so tolerating to me was,
7 to a degree, you know, that tolerance ended at some
8 point. But it was because I understood the human
9 aspect of, man, you've been doing this for too long.

10 And it was almost like an inside joke
11 whenever we were doing that training, my husbands
12 knew to not even talk to us when we got home because
13 we were taxed.

14 And so it was a little bit of me trying to
15 be understanding of Nadine's history, and respecting
16 the fact that she had been there for a long time,
17 doing it mostly by herself. So she was sick and
18 tired of it.

19 Q. So your testimony is that you overlooked
20 what you thought were issues regarding Nadine's job
21 performance because you were looking at the human
22 aspect of what Nadine was going through?

23 A. Yes. That was a part of it, yes.

24 Q. And in doing so you ultimately decided to
25 fire her, though, didn't you?



1 A. No. That's not how I would put it. When
2 the decision at the end was you keep refusing to do
3 a thing that makes sense for you to do. You're the
4 only one that speaks that language in this
5 department. Right?

6 So you keep refusing to do it, and it's
7 pulling teeth, and it's taking so much effort to
8 finally almost having to tell you whether you're
9 wanting to do it or not, you are going to do it.
10 Which is not the management style I like. I like to
11 work with people, not bark orders and say because I
12 say so. Right?

13 But it eventually ended up -- with this
14 particular last training, it eventually ended up
15 being the case. Because I'm not going to have five
16 people sitting in a training that do not speak
17 English. You know, it's just ridiculous.

18 And then, at the end, you're doing it, and
19 you're doing it poorly. So we've tried. We've
20 given you enough chances to reconsider your attitude
21 and work with us as a team. And you're still not
22 doing it, so we don't see another option.

23 Q. Well, when you said you've given her
24 enough chances, you never told her that she was in
25 jeopardy of losing her job because she was not doing



1 it or performing it properly. Correct?

2 A. Correct.

3 Q. So when you say you've given her enough
4 chances, what are you talking about?

5 A. Pointing out that we needed her to do
6 this, that it makes sense for her to do this. That
7 I complained several times directly to her, can you
8 be a team player. I need a team. We're not going
9 to be able to deliver all of this workload if we
10 don't work as a team.

11 Q. What kind of job repercussions did you
12 suffer because of Nadine's deficiency in terms of
13 performing training?

14 A. We -- I knew that the unfranchised
15 services reps that were not being trained in English
16 were doing a poor job at their job, at their job,
17 because they were not trained properly.

18 Q. And so how did that affect your department
19 or how did that affect you?

20 A. It affected the quality of what we did.
21 We were supposed to deliver these reps ready to take
22 calls and answer the customer's questions. And they
23 were not equipped to do that because their training
24 did not happen optimally.

25 Q. And how many people are you talking about?



1 A. At least the two that I talked about
2 before. And then the other five. And I can't
3 recall the exact number. But it was either five or
4 six.

5 Q. So are you telling me that Nadine's,
6 quote, poor job performance affected up to seven
7 people in the department?

8 A. So seven people in the unfranchised
9 services department.

10 Q. Uh-huh.

11 A. And then on our end, particular in our
12 department, it'll be that whatever she refused to
13 do, then we'll have to do it. And there was a huge
14 project that we undertake at some point of creating
15 like a data -- like a learning management system, a
16 Wiki type documenting platform for all of the
17 training, documenting everything training-wise.

18 And so we needed the entire team to work
19 on that project. It was a huge project. And Nadine
20 refused to work on it.

21 So whatever, you know, could have been her
22 thing to do, it was, Henri, you do it, Abby, you do
23 it. Somebody else do it, because I'm not going to
24 do that.

25 Q. Now, you're saying she refused to work on



1 this huge project. Did you reprimand her written
2 then?

3 A. No.

4 Q. And when did that occur?

5 A. The Confluence project, that was -- when
6 was that? I want to say we worked on that project
7 at least for about two years by the time I left.
8 And I left in March ---

9 Q. --- Of 2018.

10 A. --- Of 2018.

11 So it should have been at some point in
12 2016.

13 Q. So you're saying that the project that
14 Nadine refused to work on was the Confluence
15 project?

16 A. Uh-huh.

17 Q. But you never reprimanded her for that?

18 A. No.

19 Q. And it went on for two years prior to you
20 leaving. So then it would have happened at some
21 point in 2016?

22 A. I believe so.

23 Q. Beginning in 2016, at least.

24 A. Uh-huh.

25 Q. And during that period of time, we've



1 agreed that Colbert was, partially during that time

2 ---

3 A. --- Yes.

4 Q. --- Was Nadine's supervisor. Correct?

5 A. (Witness indicated affirmatively)

6 Q. Did you ever go back and look at the
7 employee performance review that Colbert gave to
8 Nadine in April of 2016?

9 A. No.

10 Q. Did you ever talk to Colbert about the
11 performance review she gave Nadine in 2016?

12 A. No. That I remember.

13 Q. According to Colbert, Nadine did a good
14 job of building relationships with her coworkers in
15 2016. Are you aware of that?

16 A. No.

17 Q. In fact, Colbert gave Nadine a very good
18 job performance evaluation in 2016. Are you aware
19 of that?

20 A. No.

21 Q. And the complaints that you've made here
22 today about what Nadine did or didn't do in 2016,
23 are you aware that it's not documented at all by
24 Colbert in any review that she gave Nadine?

25 A. No.



1 Q. So is it possible that the only person who
2 had a problem with Nadine was you?

3 A. I don't believe so. I don't ---

4 Q. --- Was it documented by anyone else that
5 she was not performing her job well that you know
6 of?

7 A. No.

8 Q. And it would have been your
9 responsibility, as her supervisor, to document her
10 job performance deficiencies. Correct?

11 A. Yes.

12 Q. Now, let's just go back to your
13 declaration. Okay?

14 A. Okay.

15 Q. In looking at number three, you've
16 indicated that -- paragraph number three, that is.
17 You've indicated that you had a master in
18 translation studies from the University of North
19 Carolina at Charlotte.

20 A. Yes.

21 Q. When did you receive that?

22 A. 2017. End of 2016, I believe.

23 Q. Okay, and then, you also indicated that
24 you had a degree from the University of North
25 Carolina at Greensboro. Correct?



1 A. Uh-huh.

2 Q. And then, according to my records, you
3 attended UNCG for two years. Is that right?

4 A. Uh-huh.

5 Q. Now, how were you able to get a bachelor's
6 degree in two years from UNCG?

7 A. There is a organization called the World
8 Education Services. And so what they do is that
9 when you have a degree from another country, you
10 submit all of your documentation about that degree,
11 and then they make an evaluation of what that is
12 equivalent to in the U.S.

13 So I had a bachelor's degree, a four-year
14 college degree from Colombia. And when I submitted
15 all of my transcripts and my paperwork to the World
16 Education Services, they came to me and said you
17 have an equivalent of a bachelor in arts.

18 So that put me in a position where I could
19 only do the major, which was psychology, and then
20 complete that, because I transfer my credentials
21 from my four-year college from out of the country to
22 here.

23 Q. Okay, and let's just make sure the record
24 is clear. When you say you had a degree from
25 Colombia, you mean the country. Correct?



1 A. Yes. Yes.

2 Q. Not the university?

3 A. No, no, no.

4 Q. All right, and then, in number four, you
5 say Nadine Lee was a staff member of the corporate
6 training group when you joined the company.

7 A. Uh-huh.

8 Q. Do you see that?

9 A. Yes.

10 Q. Nadine was in a management position when
11 you joined the company, wasn't she? Or do you know?

12 A. That I know. So the manager from that
13 team, when I was hired, was Amanda. And then Amanda
14 had Nadine and Sherry under her. And it was my
15 understanding that they were both in the same level
16 and reported to Amanda, and that was it.

17 Q. All right. Let's go to the second page of
18 your declaration and look at paragraph six. I
19 championed a number of initiatives in an effort to
20 streamline the corporate training program. For
21 example, I decided that the corporate training group
22 would transition from Microsoft Office to a
23 Microsoft program known as Confluence. Confluence
24 promoted team collaboration, Nadine objected and
25 refused to learn or work with the tool.



1 Do you see that?

2 A. Uh-huh.

3 Q. Now, is that what you were testifying
4 about earlier about Nadine refusing to work on
5 Confluence?

6 A. Yes.

7 Q. Okay, and I note that in your paragraph
8 six, you don't provide any type of date or anything
9 of that nature.
10 Correct?

11 A. Huh-uh.

12 Q. Was anyone on the training team using
13 Confluence at the time that you wanted to transition
14 to Confluence?

15 A. Was anyone on the team?

16 Q. Yes. Was anyone else familiar with
17 Confluence when you transitioned and decided to
18 exact this initiative?

19 A. So we found out that the company was
20 already paying for this tool as a part of a package.
21 And it was not being utilized a lot by different
22 people. So there was only like a group of engineers
23 using it.

24 And so we -- Henri and I looked at that
25 software, or that platform, and thought that we



1 could accommodate it or make it into the learning
2 management system that we wanted to have. And so we
3 learned as we -- so the potential for that, we
4 learned -- or we just had to learn how to use it.

5 Q. Okay, and who did you bring in to teach
6 the staff about how to use Confluence?

7 A. So we talked to -- we got word of this as
8 a platform from one of the engineers. And he gave
9 us an overview of how it worked and what he could
10 do. That was basically all he did.

11 And then, Henri and I started working with
12 it, and just watching videos on how to build it, how
13 to create the documents inside, how to do all of
14 that. So it was like we were doing it by ourselves.

15 And then, the idea was that we were going
16 to show the rest of the team, which basically at
17 that point was Abby and Nadine, how to -- you know,
18 the basics of here is how you start building things.

19 Q. Uh-huh.

20 A. So here is how you start building things.
21 And she had the resources, the tutorials, the
22 videos. Because we were just learning it by
23 ourselves.

24 And Abby complied. She did it. And then,
25 Nadine said that she was not in agreement with us



1 doing that because she considered that that was us
2 fixing a problem that it was not up to us to fix.

3 That is, the company did not want to spend
4 any money paying for an LMS for an actual tool that
5 was designed for that. It was not up to us to use
6 another platform for that goal.

7 Q. Okay, so just so I'm clear and I
8 understand what your testimony is today.

9 You said an engineer at Market America
10 gave you an overview. Is that correct?

11 A. Uh-huh.

12 Q. Who was the engineer?

13 A. Paul Dumas. Paul Dumas.

14 Q. And when he gave you the overview, when
15 was that?

16 A. I cannot remember.

17 Q. 2017?

18 A. No. It was before that.

19 Q. 2016?

20 A. Probably in 2016.

21 Q. Was Colbert still at ---

22 A. --- Yes.

23 Q. She was?

24 A. Uh-huh.

25 Q. Was she your manager at the time?



1 A. Yes.

2 Q. Did you discuss this with her?

3 A. Yes.

4 Q. And did she give you written authority to
5 do it?

6 A. Yes.

7 Written? There was not a lot -- I mean,
8 we worked a lot like verbal, like this is what we're
9 going to do. Okay, this is what we're going to do.
10 I mean, it wasn't like it was a -- always written --
11 no.

12 Q. Okay, so when Paul Dumas gave the
13 overview, who was present?

14 A. Henri and I.

15 Q. And why did you schedule it so that only
16 you and Henri would be present?

17 A. Because we were only -- so what we did was
18 we asked Tim if he knew of anything. So we said
19 basically, we need to pick your brain, and that,
20 here's what we need to do. Do you know of anything
21 that we can use to accomplish this goal.

22 Because I remember that the other option
23 that we talked about was what if we request that the
24 engineers at Market America will help us build the
25 actual elements so that the company didn't have to



1 go pay thousands of dollars for something that was
2 too big for what we needed.

3 And it was an idea that we really liked.
4 But we also knew that, because of the two big
5 conferences that we have a year, a lot of the other
6 projects that are not related to conferences never
7 actually end up happening. So the engineers know
8 they have to build this for whatever reason.

9 Q. Uh-huh.

10 A. But the minute they get told to build the
11 things or work on the things that have to do with
12 the conferences, everything -- I mean, it could be
13 years before this got done. So we're like that's
14 probably not a good idea.

15 So then he said why don't you guys look at
16 this tool that we have as a part of Atlassian, which
17 was a big software package that the company was
18 paying for. And Jira was the thing that was being
19 used by the whole company. It was a huge part of
20 the company. And then, Confluence was like that
21 little other thing that nobody uses.

22 And he said I think you could use this.
23 And then he showed us what you could do with it.
24 And then, Henri and I run with it. We were like, oh
25 boy, this -- this is it.



1 Q. So when did you schedule for Nadine and
2 Abby to learn how to use Confluence?

3 A. With Nadine, we could never schedule how
4 to use it. Because she was not -- she said I'm just
5 not going to do that.

6 Q. Okay. Well, let me ask the question this
7 way.

8 Once you, as the manager, made the
9 decision to use Confluence, did you set a specific
10 schedule for your staff to learn how to use it?

11 A. So if we're being technical on that
12 portion, I wasn't Nadine manager when I did that.
13 Because, remember, she refused to report to me when
14 I got promoted to training manager.

15 Q. Uh-huh.

16 A. And so I could schedule things and do
17 things with Abby and Henri. But technically, I
18 couldn't with Nadine, because at that point she was
19 still reporting to Colbert.

20 Q. So with that thought in mind, then, Nadine
21 was not insubordinate by not learning Confluence.
22 Correct?

23 MS. DEBOARD: Objection to form. You
24 can answer.

25 THE WITNESS: So at that point,



1 because she was not reporting to me, no.

2 Q. (Ms. Gray) And did Colbert ever indicate
3 to you that Nadine was being disciplined for failing
4 to learn how to use Confluence?

5 A. No.

6 Q. And how long did you continue to use
7 Confluence?

8 A. For the entire time that I was there, up
9 until I left.

10 Q. And during that period of time, did you
11 lose -- did the company lose any clients or any
12 financial revenue as a result of Nadine's failure to
13 learn Confluence that you're aware of?

14 A. I mean, that is something that I cannot --
15 I don't have the expertise or the knowledge to know
16 how to do that.

17 But, I mean, her input on whatever we
18 wanted for her to do did not happen. So how do you
19 account for something that didn't happen? I don't
20 know how to calculate something like that.

21 Q. Right. And that's my point. Her not
22 learning how to do it didn't affect you in any way,
23 did it?

24 A. Me personally or the company?

25 Q. You.



1 A. The way I would say it affected me was
2 that I was not being able to produce from the
3 training department what I wanted to produce.

4 A cohesive -- like in that particular
5 example, in that very specific example. I wanted
6 for that tool to house everything that we were doing
7 on training. And that was going to include all of
8 the content in English, content in Spanish, content
9 in Mandarin.

10 So like right off the bat the Mandarin
11 content wasn't going to happen because she was not
12 going to upload it, and she was not going to do it.
13 So it was going to be incomplete. So I felt like
14 what I was delivering as a whole department wasn't
15 happening because of that. In that sense, yes.

16 Q. And you did what about it?

17 A. I did not document it, if that's what
18 you're asking. No, I did not.

19 Q. What did you do about it?

20 A. I would discuss it.

21 Q. With whom?

22 A. With Nadine, with Colbert and with Sherry.

23 Q. And that's it?

24 A. Yes.

25 Q. Okay. Going down to paragraph seven, you



1 said you wanted all corporate trainers to be cross-
2 trained in all learning programs rather than have
3 one person solely responsible and capable with the
4 material.

5 Did you see that?

6 A. Uh-huh.

7 Q. Now, how did you come up with the decision
8 that you wanted to have the trainers to be cross-
9 trained?

10 A. I think it's more efficient -- for our
11 case?

12 Q. Uh-huh.

13 A. It was more efficient to have people to be
14 able to deliver a training if somebody else wasn't
15 available, somebody -- you know, if somebody was on
16 vacation, and this training needed to happen,
17 somebody else was able to do it. And that was one
18 reason.

19 The other reason was because there were so
20 many things happening in the company all the time.
21 New programs, new products, new things. And so if
22 you were not to a degree almost forced to have to
23 look at that and review that, you became obsolete
24 pretty quick.

25 Like if you did not update and refresh



1 your knowledge on what was happening, all you knew
2 was this little part here. And I didn't think that
3 was a good use of our human potential in the
4 department.

5 Q. Who else was able to conduct Mandarin
6 training?

7 A. Nobody.

8 Q. Just Nadine. Correct?

9 A. Uh-huh.

10 MS. DEBOARD: Was that a yes?

11 THE WITNESS: Yes. Sorry.

12 Q. (Ms. Gray) You say Nadine objected to
13 this, claiming that she was the only expert in
14 certain aspects of the company, and that she would
15 only allow another trainer to conduct her trainings
16 every once in a while, as long as she could monitor
17 the training, and only her materials were used.

18 Do you see that?

19 A. Uh-huh.

20 Q. You agree that Nadine was the only expert
21 in Mandarin training for the company. Correct?

22 A. Yes.

23 Q. And up until the time that you came in as
24 Nadine's manager, Nadine was the one who was
25 responsible for preparing all of the materials



1 related to Mandarin training. Correct?

2 A. Yes.

3 Q. All right. Go down to number eight. And
4 it says in 2017, there were numerous issues with
5 Nadine's work performance.

6 Do you see that?

7 A. Uh-huh.

8 Q. In February, I explained to her that
9 despite her refusal to conduct the account services
10 training, she was going to have to do it since we
11 had several trainees who needed the training in
12 Mandarin, and she was the only Mandarin speaker in
13 the training team. She reluctantly agreed and
14 planned to end the class two weeks earlier.
15 Attendees complained to me that the material was
16 rushed and incomplete.

17 Do you see that?

18 A. Uh-huh.

19 Q. Who complained to you?

20 A. Rose.

21 Q. Rose was the only one?

22 A. Uh-huh.

23 Q. Is that ---

24 A. --- Because the others don't speak English
25 or anything else. And I don't speak Mandarin.



1 Q. So Rose complained to you in English?

2 A. Yes.

3 Q. And is that the issue that you previously
4 discussed with me in this deposition about the
5 concerns you had about the quality of training?

6 A. Yes.

7 Q. Okay. Other than Rose, was there anyone
8 else who complained?

9 A. No.

10 Q. Ultimately, you agree that the training
11 was conducted?

12 A. It was conducted, yes.

13 Q. By Nadine. Correct?

14 A. Yes.

15 Q. Okay, and do you know -- I believe you
16 said that Rose complained to you in English. And
17 she also complained to Brandi about this. Correct?

18 A. Yes.

19 Q. Okay, and then, here again, in number
20 nine, you say Nadine was required to train the third
21 shift in account services responsibility. The
22 training would take place outside of MA's standard
23 operating hours. Yet Nadine refused to account for
24 her hours to me.

25 Do you see that?



1 A. Uh-huh.

2 Q. Now, I don't believe you've told me about
3 that. You did talk earlier about the third-shift
4 reps needing training at the Greensboro office, and
5 they were trained in the conference room.

6 Is that what number nine is referencing?

7 A. Uh-huh. Yes.

8 Q. Okay, and what were Market America's
9 standard operating hours?

10 A. It was eight to five for the regular
11 employees. But we also had a second shift and a
12 third shift. But that was specifically for
13 unfranchised services reps, and a second shift --
14 yeah, unfran -- that I know of, just for
15 unfranchised services reps.

16 Q. Okay, and then you said Nadine refused to
17 account for her hours to me.

18 What does that mean?

19 A. So she would just let me know, I'm going
20 to be out. I'm going to be -- I'm not going to be
21 in tomorrow, or I'm not going to be in. But it was
22 very difficult to get her to say here are the hours
23 I'm working on this, and here are the hours I'm
24 going to take.

25 It was -- it was -- so working with Nadine



1 was always very frustrating communicating-wise in
2 terms of she was extremely secretive with what she
3 did. And you couldn't ask for too many details
4 because she would not give them to you. So it would
5 be just like she will let you know what she was
6 going to do, period.

7 Q. Did you require her to provide you with a
8 written timesheet?

9 A. I think I did at some point. But I don't
10 remember what the outcome of that was.

11 Q. Did you ever write Nadine up for failing
12 to account for your hours to her?

13 A. No.

14 Q. Did you warn her that her job was in
15 jeopardy if she didn't account for her hours to you?

16 A. No.

17 Q. Now, during this time, was Nadine also
18 working with her accounts in Malaysia?

19 A. I cannot remember now.

20 Q. Are you aware that Nadine was still
21 working with her accounts in Singapore?

22 A. I do not remember.

23 Q. Well, are you aware that Nadine was still
24 working with her accounts in Taiwan?

25 A. And we're talking about around this



1 particular time ---

2 Q. --- Yes.

3 A. --- That her shift was happening?

4 Q. Yes.

5 A. No, I don't remember.

6 Q. Okay. You do know, and you would agree
7 with me, that Malaysia, Singapore and Taiwan are on
8 a different time frame than North Carolina?

9 A. Yes.

10 Q. Okay, and did you ever ask Nadine if her
11 responsibilities related to Malaysia, Singapore
12 and/or Taiwan interfered with her ability to work
13 with the third shift employees?

14 A. Can you repeat that question?

15 Q. Did you ever ask Nadine if her
16 interactions or her work responsibilities related to
17 Malaysia, Singapore and/or Taiwan interfered with
18 her ability to work with the third shift employees?

19 A. So the -- the way we scheduled our work
20 wasn't -- how do I put this. So if something had to
21 happen, it would have not been an imposition of I
22 don't care if you're working 12 -- you know, 24
23 hours a day. Never. Never.

24 It was -- even if you go back to the email
25 that I sent Nadine about training this rep in Spain



1 in Mandarin, I specifically asked is this something
2 you can put in your schedule. So there was always
3 that. What are you working on? Is this feasible?
4 Can you do this. And this happened with all of us.

5 And like if there was something that I
6 needed to do, and it was conflicting with something
7 else that I was doing, I would adjust or ask
8 somebody else for help. And that's why the teamwork
9 thing was so important to me. Because this was a
10 moving target.

11 This job was always, like -- new programs
12 will come up here. New requests will come up here.
13 New hires will come up here. So we will always have
14 to be juggling. Who's doing what, who can do this,
15 can you do this because I'm working on this. And
16 so, it was never something like, I'm going to impose
17 or make you work 20 hours a day. No.

18 Q. So I'm not sure if that answers the
19 question that I asked you.

20 But it sounds like what you're saying is
21 that you would take into consideration Nadine's
22 other schedule ---

23 A. --- Yes.

24 Q. --- As it pertained to what she might be
25 doing with her overseas clients in the context of



1 her ability to do something here in the U.S. Right?

2 A. Yes.

3 And I also knew that she would be in
4 charge of making sure she wasn't, you know, working
5 more hours than she needed to. Because, again, it
6 was very difficult to get an answer of what are you
7 doing, what are you working on. She was very
8 secretive with what she did.

9 Q. And when you say she was secretive, did
10 she ever refuse to provide you with any written
11 documentation to verify her schedule?

12 A. So my sense like my initial reaction to
13 that is yes. I cannot tell you exactly, oh, I
14 remember sending her this email asking for this. I
15 can't remember. But it was -- I wasn't going to get
16 anything out of her.

17 Q. Well, I mean, when you say that you
18 weren't going to get anything out of her, were you
19 responsible -- you've said you weren't responsible
20 for scheduling her -- her training sessions
21 overseas. Correct?

22 A. No. Because all of the trainers will
23 schedule their own trainings.

24 Q. So when you say she was being secretive,
25 is it that she just normally scheduled her own



1 trainings and just that -- that was her policy, and
2 that had been Market America's policy all the time
3 that she had been working in that position?

4 A. But we always discussed what we were
5 doing. We always talked about the things that we
6 were doing. And Nadine wouldn't.

7 Q. Well, you never reprimanded her for not
8 providing you with information pertaining to her
9 schedule. Correct?

10 A. Correct.

11 Q. And so she had to deal with overseas
12 markets in Malaysia, Singapore and Taiwan. Correct?

13 A. Correct.

14 Q. You don't speak Mandarin. Correct?

15 A. Correct.

16 Q. And you were feeling that she was being
17 secretive about something, but yet, you weren't
18 telling her this, and you weren't reprimanding her
19 for this. Correct?

20 A. Correct.

21 Q. All right. Let's go to paragraph 11.

22 MS. DEBOARD: Is now a good time to
23 take a quick bathroom break?

24 MS. GRAY: Yes, ma'am.

25 (11:20-11:24 a.m. - recess)



1 Q. (Ms. Gray) Okay. Now, before we stopped,
2 we were talking about paragraph number 11 on your
3 declaration. And you said simply stated, Nadine did
4 not accept the new vision of the corporate training
5 group.

6 Do you see that?

7 A. Uh-huh.

8 Q. Did you ever document, in terms of an
9 email to your staff or any type of a newsletter or
10 an announcement, what your new vision was for
11 corporate training -- for the corporate training
12 group?

13 A. Written? No, that I remember.

14 Q. Right.

15 So any announcement that you would have
16 made did not come in the form of something written
17 that would have been disseminated throughout the
18 company. Is that correct?

19 A. Correct.

20 Q. So then, the only evidence you have of
21 what your new vision for the corporate training
22 group was would have been a verbal announcement or a
23 statement to the members of that staff. Correct?

24 A. Correct.

25 Q. Did you collectively meet as a group



1 together at once to talk about your new group
2 vision?

3 A. Yes.

4 Q. When was that?

5 A. When we talked about it, when we -- when
6 Colbert left. We had two meetings. We had one
7 meeting as a team. I mean -- team, I mean Nadine,
8 Cherri, Henri, Abby and myself.

9 And then, we had basically the same
10 meeting with Sherry. Because Sherry wanted to get
11 more acquainted with what the training department
12 was doing since Colbert never really got replaced in
13 terms of -- because Colbert used to report to Mark.

14 And so, when I -- this was -- so after
15 Colbert left, I was going to be promoted as managing
16 the department, but reporting to Sherry. So it was
17 almost like Sherry was going to be the new Colbert,
18 but Sherry didn't know what Colbert did or didn't
19 do, a lot of what Colbert did. So she needed to
20 know exactly what we were all working on and were
21 going to do.

22 So we had that second meeting, and we
23 basically went over the same thing that we had
24 already discussed without Sherry.

25 Q. Are you aware that there was a job



1 responsibilities meeting in September of 2016?

2 And that was the one that was held by
3 Colbert.

4 A. 2016? Yeah. I mean, we had several
5 meetings. I cannot say that I remember that one
6 specifically.

7 Q. But was that the meeting where Colbert
8 talked about what she did and what the transition
9 was going to look like with her being gone?

10 A. September of 2016?

11 Q. Yes.

12 A. But she left in ---

13 Q. --- November.

14 A. Oh. So yes. So then, there must have
15 been one before she left, yes.

16 Q. And then, was there also a meeting in
17 January of 2017 where Sherry was present?

18 A. Yes.

19 Q. And during that meeting, isn't it true
20 that you all discussed the job responsibilities for
21 the individuals in the corporate training group?

22 A. Yes.

23 Q. And do you have a recollection of what job
24 responsibilities were assigned to Nadine?

25 A. So yes. Basically the same -- the same



1 that we have been doing -- it was almost like
2 nothing big changed after Colbert left in terms of
3 what we were doing, the way we were operating.
4 Right.

5 So Nadine was going to be in charge of
6 anything that had to do with Mandarin or Asian
7 country markets. And whatever else she was doing
8 before, it was going to continue to be the same,
9 with one exception probably. Well, two exceptions.
10 The new -- sort of new thing, that was Confluence.
11 That was going to be something that was not
12 happening before.

13 And then, I also had a suggestion, and
14 that's what -- maybe point seven -- where there was
15 training, the MPCP training that was done for new
16 hires in the company in general. That was in a
17 training that was a big, huge spider web the
18 training department did in general. Because, again,
19 the bulk of it was unfranchise services, the reps.

20 But we did need for the whole company, our
21 employees, to know high-level idea of what the
22 company was about. And so Nadine was in charge of
23 doing that training solely before, entirely. That
24 was her training.

25 And I saw an opportunity for growth for



1 all of us, actually, in the department to deliver
2 that training. So that was the only suggestion. So
3 other than Confluence and that change, nothing else
4 changed.

5 Q. Okay. Now, let me ask you about the
6 cross-training. What was the ultimate result of
7 your cross-training vision within the department?

8 A. So a couple of things. So what I talked
9 about before, where if somebody was caught up with a
10 project and that training needed to happen, other
11 people could do it. That was one.

12 With the MPCP, specifically -- so the
13 company, as I've mentioned before, has two big
14 conferences a year. And there's a lot of prepping
15 that goes on that. It's about, I don't know, two or
16 three months before those conferences, a lot of
17 people put aside whatever they're doing, and they
18 only work on those things.

19 So in training we have to at the same time
20 be prepared to deliver trainings for those new
21 programs as soon as they came up. And so for us to
22 be able to get screenshots or material on what those
23 programs were, because they were happening so
24 quickly, it was better to have connections in the
25 company to know who does what.



1 It's not the same -- like if you send an
2 email to a graphic designer, saying I'm so-and-so
3 from the training department, and I need these
4 screenshots for a training. They were almost
5 excused to not respond to you if they were working
6 on conference stuff. And conference stuff was what
7 we needed to be training on, as well. Right?

8 So different than -- I was training, I
9 kind of sort of have a personal, you know,
10 connection with you, and that you and I -- it was
11 700 people, about 700 people in that building. So
12 you could go for years without knowing who was next
13 to you.

14 And so if we were able to develop that
15 network and those connections, I thought that in the
16 training department we were going to be more
17 efficient at producing material. And so that was a
18 golden opportunity.

19 Q. Uh-huh.

20 A. It was a laid-back training in the sense
21 that if you help deliver the unfranchise services
22 training to the unfranchise services reps, you are
23 pretty much qualified to do this other training for
24 sure, because this other training wasn't even 10
25 percent of what this other big training was.



1 Q. Well, when you talk about the conferences,
2 and I think you said you all had two major
3 conferences?

4 A. Uh-huh.

5 Q. Was one of them the International
6 Convention?

7 A. Yes.

8 Q. And did Ms. Lee participate in the
9 International Convention in 2017 to your knowledge?

10 A. Yeah. I think we all did, yes.

11 Q. Uh-huh. And are you aware that she
12 received a letter from Brandi Quinn which commended
13 her for an outstanding job at the 2017 International
14 Convention?

15 A. I think that was a letter that was sent to
16 all of the people that participated in that.

17 Q. And that would have included Nadine.
18 Correct?

19 A. Yes.

20 Q. Okay, so according to Brandi Quinn, the
21 efforts that Nadine made caused the convention to
22 run smoothly and was considered a huge success. Are
23 you aware of that?

24 A. Yes. You're talking about the letter that
25 every single person that worked in the convention



1 received.

2 Q. I don't know if ---

3 A. --- If three hundred people went to the
4 convention, 300 people received the exact same
5 letter.

6 Q. Okay. Let me show you what I'm talking
7 about.

8 MS. GRAY: And I'll just tell you for
9 purposes of today's deposition, this document is
10 marked as Market America 280. Okay?

11 I can show it to her on my computer, but
12 just so you can have it.

13 MS. DEBOARD: Let me see if I can
14 pull this up here.

15 MS. GRAY: Can you see what I'm
16 showing you?

17 THE WITNESS: Oh, yes. That was a
18 letter that everybody received. All of us that
19 participated, yes.

20 Q. (Ms. Gray) Okay, and would you agree with
21 me that this letter is specifically written to
22 Nadine?

23 A. Yes.

24 Q. Okay. It doesn't say to every one of you
25 all that participated. It specifically is directed



1 to Nadine. Correct?

2 A. Yes. The content -- the body of the
3 letter was the same for all of the employees. The
4 name will change to each employee, yes.

5 Q. Well, regardless of how many other people
6 got this letter, you agree that Nadine received the
7 letter?

8 A. Of course. Yes.

9 Q. And it was for her outstanding job.
10 Correct?

11 A. Correct.

12 Q. So regardless of whatever complaints you
13 have about what Nadine did or didn't do, at least
14 Brandi thought in 2017 that Nadine had done an
15 outstanding job with regard to the 2017
16 International Convention?

17 A. Yes.

18 Q. And are you aware of any document that
19 Nadine received that was contrary to this?

20 A. No.

21 Q. All right. At some point, you have said
22 that the only complaints you received regarding
23 Nadine's job performance were from Rose. Correct?

24 A. On that particular training, yes.

25 Q. Well, did you receive any other emails



1 from anybody complaining about Nadine's job
2 performance?

3 A. From -- at the time -- what was her name?
4 Two managers of the unfranchise services department
5 would complain to me that ---

6 Q. --- Let me just stop you for one second
7 before you answer.

8 My question is specifically about an email
9 from these individuals. I'm not talking about a
10 verbal complaint.

11 A. No.

12 Q. So do you have any written complaints,
13 i.e., emails, newsletter, memo, anything of that
14 nature from anyone who complained about Nadine's job
15 performance?

16 A. Written emails, no.

17 Q. All right. Let's talk about Nadine's
18 termination. Now, according to the documentation
19 that I have, Nadine was terminated by you. Is that
20 correct?

21 A. Correct.

22 Q. Was anyone else involved in the decision
23 to terminate Nadine?

24 A. Yes.

25 Q. And who was that?



1 A. Sherry Spesock.

2 Q. Anyone other than Sherry?

3 A. We also had Brandi Foster in a couple of
4 meetings to discuss this, yes.

5 Q. When you say to discuss this, what do you
6 mean?

7 A. To discuss our concern that this is our
8 main client in the training department was
9 unfranchise services. And the director of
10 unfranchise services was the first person that
11 received the complaint, or the comment that the
12 training that was happening for the third-shift
13 employees was not being complete.

14 She was worried that future trainings --
15 or the department was going to be affected by the
16 lack of quality in future trainings in Mandarin.

17 Q. Okay, and this is back to the statements
18 that you told me about between Rose and Brandi.
19 Correct?

20 A. Correct.

21 Q. Okay. I'm not interested in that.

22 What I'm interested in is who all made the
23 decision to terminate Nadine?

24 A. Sherry and I.

25 Q. That's it?



1 A. Yes.

2 Q. Just you and Sherry?

3 A. Uh-huh.

4 Q. And did you go to Sherry and tell her that
5 you were planning to terminate Nadine?

6 A. No. I think this was a decision that both
7 of us ended up concluding at the end of a meeting.

8 Q. When was that meeting?

9 A. I cannot remember that. It wasn't too far
10 from the actual termination date.

11 Q. So did you go to Sherry and say you're
12 thinking about terminating Nadine, or was it vice
13 versa, or how did it -- how did this meeting come
14 about?

15 A. We had several -- Sherry and I had several
16 conversations about the concerns we had with
17 Nadine's attitude. And given that it had been so
18 consistent, and given that she had refused or
19 challenged the authority of her last three managers,
20 myself included, we concluded that it was in the --
21 the best interest for the company was to not have
22 Nadine in the team.

23 Q. Okay, and you and Sherry made that
24 decision?

25 A. Yes.



1 Q. And who communicated the decision to
2 Nadine?

3 A. I did.

4 Q. How did you do that?

5 A. In a meeting at Sherry's office.

6 Q. Okay. How did you set the meeting up?

7 A. I was in Sherry's office, and Sherry
8 called Nadine at her cubicle and asked her to come
9 to the office.

10 Q. And once she came to the office, what was
11 said?

12 A. I don't remember exactly. But I
13 communicated to Nadine that we have reached the
14 decision to let her go because of issues with her
15 performance.

16 Q. Issues with her performance? Job
17 performance?

18 A. Yes.

19 Q. And that's what you told her?

20 A. Well, so my -- the core of my argument was
21 that Nadine was not being a team player, basically.
22 That we were having a lot of trouble getting her to
23 work as a part of the team. That she was just doing
24 whatever she decided she was going to do, and that
25 was it. And that we could not continue to operate



1 the team -- the training team under those
2 circumstances.

3 Q. Okay. Now, I asked you earlier if you had
4 given Nadine any verbal warnings about her job
5 performance. And I believe your answer was no. Is
6 that correct?

7 A. Uh-huh. Correct.

8 Q. Okay. Are you aware that the company has
9 an employee handbook that contains policies related
10 to various aspects of the job, including policies
11 that pertain to disciplining an employee other than
12 dismissal?

13 A. No.

14 Q. You never knew about these policies?

15 A. I don't remember reviewing them, no.

16 Q. Did you have any training on the policies?

17 A. I received a handbook, and I should have
18 read as much as I could when I was first hired. But
19 that was it.

20 Q. Okay. I have been provided documents by
21 the company that are Bates stamped MA725 through
22 740. And these are the employee policies that I'm
23 referring to.

24 And according to their employee policies,
25 verbal warnings, although they are verbal in nature,



1 the manager is required to document and date the
2 content of any discussions that that manager had
3 with an employee regarding to, you know, performance
4 issues.

5 Are you aware of that policy?

6 A. No.

7 Q. Okay, and even if you were aware of that
8 policy, you would agree, that would not have come
9 into play in this particular instance, because you
10 never gave Nadine any verbal warnings. Correct?

11 A. Correct.

12 Q. Okay, and then, the company has what they
13 call a written warning policy. And the written
14 warning policy indicates that a written warning is
15 presented to the employee by the manager, and it is
16 intended to clearly identify the specific conduct or
17 performance for the reason for a warning. And to
18 tell specific performance or conduct improvements
19 that must be made. Okay?

20 A. Okay.

21 Q. Are you aware that that was a policy?

22 A. No.

23 Q. And you agree with me, as you sit here
24 today, that you never provided such a written
25 warning to Nadine. Correct?



1 A. Correct.

2 Q. And to your knowledge, Sherry never
3 provided any type of written warning to Nadine.
4 Correct?

5 A. Correct.

6 Q. And as you sit here today, you would agree
7 with me that you've never produced any such a
8 writing that would have been included in Nadine's
9 personnel file. Correct?

10 A. Correct.

11 Q. And to your knowledge, did Sherry ever
12 produce any written warning that would have been
13 included in Nadine's personnel file?

14 A. Not that I know of.

15 Q. At the time that you terminated Nadine,
16 you indicated that you replaced her with Rose. Is
17 that true?

18 A. Uh-huh.

19 MS. DEBOARD: Is that a yes?

20 THE WITNESS: Yes.

21 Q. (Ms. Gray) Why did you replace her with
22 Rose?

23 A. So during Rose's training -- so first of
24 all, Rose was bilingual. And finding a Mandarin and
25 English combination of bilingual person around here



1 is not that easy. That was a huge advantage.

2 And during Rose's training, she displayed
3 a great amount of work ethic, interest in the job,
4 interest in learning. In fact, she asked -- we
5 never asked her to attend meetings, training,
6 because she was having that training in English. So
7 we didn't deem it necessary.

8 But she asked Brandi for permission to
9 attend that training so she could get more of what
10 she was already being trained on, right. The more
11 exposure, the more she could learn.

12 And then, when she was attending that
13 training, she realized, oh, they're reviewing
14 material that has screenshots that are not updated.
15 Some of the things that are being said here conflict
16 with the other thing that I'm learning in that
17 training.

18 And so she displayed a great interest in
19 properly learning the job duties and being
20 proactive.

21 Q. Okay, so at the time that Nadine was
22 terminated, her title was global training projects
23 manager. Correct?

24 A. Correct.

25 Q. And are you telling me that you hired Rose



1 to a management position to take Nadine's place?

2 A. So Rose was not going to take the complete
3 -- so Rose was not going to take the complete
4 portfolio of what Nadine was doing. It was going to
5 be mainly -- and Nadine had experience -- I mean,
6 Rose had experience as an instructor. I believe she
7 had been -- she had had a teaching position in
8 China, if I remember correctly. So she was trained
9 as a trainer.

10 And so she was not going to take -- at
11 least to begin with, it was not going to be one
12 hundred percent of what Nadine did.

13 Q. So you agree with me that Rose was not
14 hired to take Nadine's position as the global
15 training projects manager?

16 MS. DEBOARD: Objection to form.

17 Q. (Ms. Gray) Correct?

18 MS. DEBOARD: Objection to form. You
19 can answer.

20 THE WITNESS: She was not given the
21 exact same title, no.

22 Q. (Ms. Gray) And you would agree with me
23 that the training Rose received prior to taking
24 Nadine's job was training that she received from
25 Nadine?



1 A. Not only from Nadine, no. That was a
2 small part of it.

3 Q. Who else trained her?

4 A. Henri and I.

5 Q. You didn't train her in any of the global
6 aspects of teaching Mandarin in Malaysia, Singapore,
7 Taiwan ---

8 A. --- No.

9 Q. --- Any of that aspect. Correct?

10 A. Correct.

11 Q. Henri didn't do that either, did he?

12 A. No.

13 Q. So the only training that included
14 bilingual training, with English and Mandarin being
15 the two languages, that Rose would have received
16 would have had to come from Nadine. Correct?

17 A. Correct.

18 Q. Did you make the decision to place anyone
19 else in Nadine's position, i.e., in terms of the job
20 responsibilities, besides Rose?

21 A. I'm not following the question. What do
22 you mean?

23 Q. Well, because you said in your affidavit
24 that when you terminated Nadine, you hired Rose --
25 you replaced her with Rose.



1 A. Uh-huh.

2 Q. But you have admitted that you didn't
3 replace the entire position, you just replaced the
4 Mandarin-speaking portion of the position with Rose.
5 Correct?

6 A. Correct.

7 Q. So who made the decision to have any of
8 Nadine's other job responsibilities performed?

9 A. Oh. So we were going to rotate -- so say,
10 for example -- well, first of all, a huge portion of
11 what we
12 needed to be done was Confluence. So we were going
13 to do it among Henri, Abby and myself and Rose,
14 because Rose was on board with working with
15 Confluence. So that was going to be Colbert. And
16 then, say, for example ---

17 Q. --- Wait. Wait. And who made that
18 decision? That's my question.

19 Who made the decision about how ---

20 A. --- Oh. Me. Sorry. Me.

21 Q. Did you make the decision about how Rose
22 -- I'm sorry, Nadine's job was going to be divided
23 up within the responsibilities for each team member
24 that you had?

25 A. Yes.



1 Q. Just you made that decision. Correct?

2 A. Yes.

3 Q. What portion of Nadine's job was assigned
4 to Rose?

5 A. I would say -- so it gets tricky because
6 since Nadine was refusing to work on Confluence, I
7 cannot count that as part of her job, because she
8 wasn't doing it.

9 But from what she was doing, I would say
10 70 to 80 percent what got transferred to Rose.

11 Q. Seventy to 80 percent of what Nadine had
12 been doing was transferred to Rose?

13 A. Uh-huh. Yes.

14 Q. Are you sure about that?

15 A. From the recollection I have today, yes.

16 Q. Did you interview anyone for -- to take
17 Nadine's position?

18 A. We interviewed Rose.

19 Q. When you say we, who do you mean?

20 A. Brandi, Sherry and I.

21 Q. Was the position posted?

22 A. I do not remember.

23 Q. Did you receive applications for the
24 position?

25 A. I don't remember.



1 Q. Did you have a job description for the
2 position?

3 A. Yes.

4 Q. All right. Now, let's talk about Rose's
5 qualifications.

6 Did you review Rose's application before
7 you offered her the job to take Nadine's place?

8 A. I believe so.

9 MS. GRAY: Let's just, for the
10 record, reflect that Rose's job application has been
11 submitted by defense counsel, and it is marked Bates
12 stamps MA006, MA007. And it is marked as a
13 confidential document.

14 And just for the record, do you have
15 any concerns, Ms. Deboard, regarding me asking
16 questions about this application?

17 MS. DEBOARD: No. We can mark this
18 portion confidential. But if we need to waive it,
19 we can.

20 MS. GRAY: Okay.

21 MS. DEBOARD: To a later date.

22 MS. GRAY: Okay.

23 CONFIDENTIAL PORTION BEGINS

24

25



1 Q.(Ms. Gray) Now, as you sit here today, you're
2 saying you're not sure if you saw Rose's job
3 application, correct, before you gave her the
4 position of global training projects manager?

5 A. I don't remember.

6 Q. Okay. I'm going to let you take a minute
7 to look at it.

8 A. Okay.

9 Q. I'm going to show it to you on my
10 computer.

11 A. Uh-huh.

12 Q. And maybe that will refresh your
13 recollection as to whether you've seen it or not.
14 Okay?

15 That's where it starts. Okay?

16 A. Okay.

17 Q. So you can tell me to slow down if you
18 need me to.

19 Do you need me to slow down?

20 A. Uh-huh.

21 (Witness examined document)

22 A. Could you go back to the work history?

23 Q. Okay.

24 A. I don't remember.

25 Q. You don't remember if you saw that



1 application?

2 A. Uh-huh.

3 Q. So at the time that you made the decision
4 to hire Rose in the position, what did you know
5 about her job performance or her background, other
6 than what you saw in terms of her working under your
7 supervision?

8 A. She had experience in instruction,
9 teaching ---

10 Q. --- You saw her -- you saw this. Is that
11 what you're saying?

12 You observed her having ---

13 A. --- No. From her background.

14 Q. Okay. Listen to my question. All right?
15 You said you don't recall if you saw the
16 application before you hired her. Correct?

17 A. Correct.

18 Q. So let's talk about the things you do
19 know. And that is in terms of what you observed
20 from Rose.

21 A. Yes. In terms of what I observed from
22 Rose was her work ethic, her way of being super
23 proactive to learn more things, to make sure that
24 she understood entirely what she's supposed -- she
25 was supposed to know, to go above and beyond what



1 she was asked.

2 And I did talk to her at some point about
3 her teaching experience. So I knew that. And she
4 did share with me something that I don't see listed
5 there, which was teaching in China. So I don't know
6 if I saw that in there or not.

7 Q. Uh-huh.

8 A. But we did talk about that. So I knew she
9 had that experience.

10 Q. Okay. Anything else?

11 A. No.

12 Q. Now, this job application that Rose
13 submitted to Market America was for a position that
14 she was applying for called the unfranchised
15 services representative. Are you aware of that?

16 A. That ---

17 Q. --- Yes.

18 A. --- Application?

19 Q. Yes.

20 A. Oh. No, that -- I mean, I didn't know
21 that was the application for unfranchise services.

22 Q. Are you aware that that was the position
23 she applied for when she started, first started ---

24 A. --- When she started, yes.

25 Q. --- At Market America?



1 A. Yes.

2 Q. Did you interview her for the position of
3 unfranchise services representative?

4 A. Yes.

5 Q. You did?

6 According to her application, she
7 submitted this application on ---

8 A. --- Oh, for unfranchise services? I'm
9 sorry. I'm confused.

10 MS. DEBOARD: Hold on. Let her
11 finish her question.

12 THE WITNESS: Sorry. Yes.

13 Q. (Ms. Gray) According to the application
14 that Rose initially submitted to Market America, it
15 was for the position of unfranchise services
16 representative, and it is dated December 27th, 2016.

17 Would you have interviewed her for that
18 position?

19 A. Oh, no. No.

20 Q. Did you have anything to do with Rose's
21 initial hire at Market America?

22 A. No.

23 Q. Okay, so if Rose didn't interview with you
24 for the position of unfranchise services
25 representative, it's highly unlikely that you would



1 have ever seen her original application. Is that
2 correct?

3 A. Correct.

4 Q. Okay. Now, according to Rose's original
5 application, she has indicated that she was working
6 for the Kernersville Sister City Association, and
7 that her job was to help Kernersville establish and
8 maintain various sister city relationships with
9 towns and cities across -- around the world.

10 Did you know that?

11 A. No.

12 Q. She also indicated that from August of
13 2014 to July of 2016, she had been employed by the
14 North Carolina Leadership Academy as a Chinese
15 teacher. Okay, and she indicated that her job
16 responsibilities in that regard was teaching Chinese
17 for the students from K through 11 grades. And that
18 she worked in that capacity on a part-time basis.

19 Do you see that on her application now?

20 A. Yes.

21 Q. Is that the teaching that she told you
22 about?

23 A. Yes.

24 Q. Did she tell ---

25 A. --- And I remember something else in



1 China. Because this is here in the U.S. And she
2 talked about something else in China.

3 Q. Well, as you can see from looking at this
4 application, she talks about her employment from
5 2000, October of 2000 through the date of this
6 application, which is December 27th, 2016. Okay?

7 Do you see anything on that application
8 about her teaching in China?

9 A. No.

10 Q. And she indicated that from August 2011
11 through May of 2014, she had worked for Sunshine
12 Styles & More, which was a boutique, and that she
13 was the owner of this boutique, and she was self-
14 employed as the owner of this boutique.

15 Do you see that?

16 A. Uh-huh. Yes.

17 Q. And then, prior to that, she said she
18 worked 2005 to 2009 at the China Rose Restaurant,
19 where she was the manager and owner, that her father
20 basically owned.

21 Do you see that?

22 A. Yes.

23 Q. She did that from 2005 to 2009. Then, if
24 you go over to the next page, under skills and
25 qualifications, she says I have worked as a cashier,



1 waitress, retail sale associate, retail store
2 manager and restaurant manager. I have great
3 customer service skills, and I am a fast learner.

4 Do you see that?

5 A. Yes.

6 Q. Based on what she has in this application,
7 do you think she was qualified for a position at
8 Market America as a global training projects
9 manager?

10 A. Based on what it says in that application,
11 without taking into account, seeing her performance
12 during training and other things that was displayed,
13 I cannot tell.

14 Q. You can't tell?

15 A. (Witness indicated negatively.)

16 Q. Well, did you ever look at the global
17 training projects manager job description?

18 A. I know what it was, yes.

19 Q. Based on this application from Rose, do
20 you think she was qualified to work at Market
21 America as a global training projects manager?

22 A. No.

23 END OF CONFIDENTIAL PORTION

24

25



1 Q.Okay. Now, let's go to -- according to Nadine,
2 you made a comment to her that indicated that you
3 felt there were cultural differences between you and
4 her.

5 Do you recall making such a comment?

6 A. I mean, in what context?

7 Q. According to Nadine, you indicated that
8 part of the possible communication skills that you
9 all were having were related to some type of
10 cultural differences between the two of you. And
11 the comment was made during a meeting in December of
12 2016, according to Nadine.

13 A. No. I had a meeting with Nadine in
14 December which, in my opinion, was an extremely
15 successful meeting where what I recall from that
16 meeting was making sure to express to Nadine that my
17 main goal was for us to work as a team, peacefully
18 and gracefully.

19 And I felt like that was the only meeting
20 that Nadine and I had that we successfully
21 communicated and agreed that we wanted a good work
22 environment.

23 If I remember correctly, I'm pretty sure
24 Nadine offered to give me a hug at the end of the
25 meeting. And I thought that was the biggest win



1 ever. Because Nadine -- I don't recall Nadine being
2 the hug kind of person. You know, she's very to
3 herself. And so when I get a hug from someone that
4 I have had, you know, all of this history, I feel
5 like it's a win.

6 So if that's the meeting you're talking
7 about?

8 Q. In that meeting, did you discuss what
9 you're talking about now as a cultural difference
10 between you and Nadine?

11 For example, you say she didn't hug and
12 you accepted, I guess, her affection as a win for
13 you.

14 Was that in the context that you made the
15 comments about cultural differences?

16 A. No, I don't think so. Because I never saw
17 that she didn't hug as a cultural thing. It was
18 just as an individual. You know, she wasn't that
19 kind of person. Like, Cherri was always, hey, you
20 know, like that demeanor. But not Nadine.

21 And so that was -- that was my big memory
22 of that meeting, that it ended with a hug. So I
23 went home happy that day.

24 Q. Do you know whether this meeting was
25 recorded by Nadine?



1 A. No. I don't know.

2 Q. Are you aware that several meetings
3 between Nadine and individuals at Market America
4 were recorded?

5 A. Yes. I know that now. I didn't know that
6 then.

7 Q. Okay, so are you denying that you made any
8 comments about the cultural differences between you
9 and Nadine?

10 A. I don't recall saying anything like that.

11 Q. Okay, so for purposes of this deposition,
12 I don't recall means I can't remember, it's
13 possible, it's also not possible.

14 A. Okay.

15 Q. Is that what you mean, as opposed to a
16 flat-out denial, where you would say I know I didn't
17 say that?

18 A. Oh, yeah. No. So I don't recall.

19 Q. Okay.

20 A. Because -- yeah, I cannot think of ---

21 Q. --- Okay. All right, now, at some point
22 -- let's talk about your -- the end of your
23 employment with Market America.

24 Did you voluntarily resign?

25 A. Yes.



1 Q. And did you give a letter of resignation?

2 A. Yes.

3 Q. Do you recall that letter of resignation?

4 A. No.

5 MS. GRAY: Okay. Just bear with me
6 for a second.

7 MS. DEBOARD: Are you looking for the
8 letter?

9 MS. GRAY: Yes.

10 MS. DEBOARD: It's MA427.

11 MS. GRAY: Okay. Thank you.

12 Do you mind sharing that with her?

13 MS. DEBOARD: I do not.

14 Q. (Ms. Gray) What we are showing you now
15 has previously been marked as Market America's Bates
16 stamp 427. And if you would just take a minute to
17 review that document.

18 A. Yes.

19 (Witness examined document)

20 A. Okay.

21 Q. All right, so this document, which is
22 marked as MA427, would you agree that this is your
23 letter of resignation to Market America?

24 A. Yes.

25 Q. And it's dated March 15th, 2018. Correct?



1 A. Yes.

2 Q. And I believe you say that you have
3 received an offer to remotely join the translation
4 team at Wells Fargo's headquarters in San Francisco.
5 I realize that this opportunity is too exciting for
6 me to decline.

7 Do you see that?

8 A. Yes.

9 Q. Now, I asked you earlier when you came
10 into this deposition with whom you have been
11 employed since you left Market America. And I
12 believe you said Spanish Speaking, LLC, and the yoga
13 studio?

14 A. Yes.

15 Q. Why didn't you include Wells Fargo?

16 A. Because everything that I do that has to
17 do with translation feels to me that is my Spanish
18 Speaking business. And that was translating from
19 English to Spanish.

20 Q. Okay. Did you ever work for Wells Fargo?

21 A. For an agency that provided the services
22 to interpret -- translation services to Wells Fargo,
23 yes.

24 Q. It says I received an offer to remotely
25 join the translation team at Wells Fargo



1 headquarters in San Francisco. Is that true?

2 A. So I left out the part that it was an
3 agency that was doing that. I didn't feel like it
4 was relevant. Because eventually, my -- the way the
5 progress went, nobody got hired directly for the
6 translations department, they went through the
7 company first and then eventually will join the
8 translations team.

9 Q. Who is the agency you're referring to?

10 A. Prolingual, I think it is. I cannot
11 remember the name.

12 Q. Say again?

13 A. Prolingual, I think. But I'm not sure.

14 Q. Prolingual?

15 A. Uh-huh.

16 Q. Where is that agency located?

17 A. California.

18 Q. Where in California?

19 A. I do not remember.

20 Q. So are you saying that you received an
21 offer from Prolingual to join the translation team
22 at Wells Fargo's headquarters in San Francisco?

23 A. Yes.

24 Q. And did you actually take that position?

25 A. Yes.



1 Q. When did you start?

2 A. April -- at some point in April after I
3 left. Yes, at some point in April.

4 Q. April?

5 A. Yes.

6 Q. Of 2018?

7 A. Yes.

8 Q. And what was your job title?

9 A. Linguist.

10 Q. And what did that require you to do?

11 A. Translate the online content of Wells
12 Fargo from English into Spanish, and review or
13 proofread translations from other translators.

14 Q. And how long did you do that job?

15 A. I did that until -- I believe it was the
16 end of September of 2019.

17 Q. September ---

18 A. --- It was a few months.

19 Q. --- From April 2018 to September of 2019?

20 A. No. September to -- September of the same
21 year, 2018.

22 Q. So you think you did this for
23 approximately four or five months?

24 A. Yes.

25 Q. And who did you report to?



1 A. I cannot remember the name of the lady.

2 So when I was hired, there wasn't a head for that
3 department.

4 Q. There wasn't a what now?

5 A. There was not a head, like a director for
6 that department. So I join in a team of people that
7 were already translating and reviewing translations.
8 And then, towards the last couple of months, one of
9 the people from that team got promoted to manager.
10 And then I reported to her. And I cannot remember
11 her name.

12 Q. Well, maybe it will refresh your
13 recollection if you can tell me how you got the job.

14 A. So this was a lady that I graduated from
15 with my master's in Spanish and translation. She
16 was working there, and they needed someone to help
17 them. They have lost a couple of people, they have
18 lost their manager. And so they asked around, who
19 knows someone that you already know can do this job.

20 And so she reached out to me, and it was
21 working four hours, four days a week. And the
22 salary was slightly higher than what I was making at
23 Market America, so -- and it was doing translation.
24 And I have recently graduated from my program, so it
25 felt to me like the perfect thing to do after



1 graduating.

2 Q. You mean after you got your master's?

3 A. Yes.

4 Q. Okay, so it sounds like you got your
5 master's in -- you're talking about the master's in
6 translation studies from the University of North
7 Carolina in Charlotte?

8 A. Yes. Uh-huh.

9 Q. And I think you said you got that in 2017?

10 A. Yes. The end of 2017 or -- did I graduate
11 in May or in -- I graduated in May. So it must have
12 been May of 2017. Yes, May of 2017. I can go back
13 and look.

14 Q. So you're saying a year later someone
15 reached out to you from that program?

16 A. Oh, no. It was my -- I mean, like I met
17 this lady -- so, wait.

18 When did I graduate from -- can I look?

19 Q. Yeah.

20 A. I cannot believe I can't remember when I
21 graduated. So in 2017.

22 Q. Okay.

23 A. Yes. Now I know the year.

24 Q. And so you're saying that the person
25 reached out to you a year later about a position



1 with Prolingual?

2 A. No. Probably not a year later. Because
3 if I graduated towards the end of 2017, and then I
4 got this offer in 2018, March, beginning of March.
5 So that wouldn't have been a year.

6 And I remained in contact with her. This
7 is someone that I graduated with. So she became my
8 friend.

9 Q. So what was her name?

10 A. Alexandra.

11 Q. Alexandra?

12 A. Uh-huh. Yes.

13 Q. What's her last name?

14 A. Guevara.

15 Q. Can you spell that?

16 A. G-u-e-v-a-r-a.

17 Q. And she's local, here?

18 A. Charlotte. She used to be in Charlotte at
19 that point.

20 Q. Okay. You said the name of this company,
21 is it called Prolingual Spanish?

22 A. Prolingual. I think it's an agency, and I
23 cannot remember -- maybe I can find that, too.

24 Populus. Okay. That was the name.

25 Q. Can you spell that?



1 A. P-o-p-u-l-u-s Group. So Populus Group
2 managed all of the translation for Wells Fargo.

3 Q. Okay, and so does that refresh your
4 recollection of who you would have been working with
5 at Populus?

6 A. Reporting to? No.
7 What's her name? I cannot remember her
8 name.

9 Q. Okay. That's fine.
10 And is this place headquartered in Troy,
11 Michigan? Do you know?

12 A. Huh-uh. I don't know.

13 Q. Okay. All right, so going back to your
14 letter of resignation, you also indicated that you
15 would like to help with the transition of your
16 duties so that the operations could continue to
17 function smoothly after your departure.

18 A. Correct.

19 Q. Did you do that?

20 A. I think I did, yes.

21 Q. Okay, and then, also, going back Nadine's
22 termination. At the time that she was terminated,
23 did she indicate to you that she was willing to work
24 in any other department at Market America?

25 A. Yes.



1 Q. And what department did she indicate she
2 was willing to work in?

3 A. Not to me -- hold on. Let me rephrase
4 that answer.

5 What I'm remembering now is someone saying
6 that Nadine was willing to work in another
7 department. But I don't remember who said that, and
8 I don't remember what the department was.

9 Q. Okay, but you can confirm that you at
10 least heard that she was willing to work in another
11 department at the time of her termination?

12 A. Yes.

13 MS. GRAY: All right. I don't think
14 I have anything further. But if you give me a
15 minute, and we can review, then I'll come back.
16 Okay.

17 THE WITNESS: Uh-huh.

18 MS. GRAY: So where can we go?

19 MS. DEBOARD: So there are -- we can
20 go off the record.

21 (12:22-12:37 p.m. - recess)

22 MS. GRAY: Thank you, Ms. Camara. I
23 have no further questions.

24 THE WITNESS: You're welcome.

25 MS. DEBOARD: I don't have any



1 questions.

2 WHEREUPON,

3 at 12:37 o'clock p.m. the deposition was adjourned.

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Lee v. Market America

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CERTIFICATE OF TRANSCRIPT

I, *Cassandra J. Stiles*, Notary Public in and for the County of Forsyth, State of North Carolina at Large, do hereby certify that there appeared before me the foregoing witness;

That the testimony was duly recorded by me, reduced to typewriting by me or under my supervision and the foregoing consecutively numbered pages are a complete and accurate record of the testimony given at said time by said witness;

That the undersigned is not of kin nor associated with any of the parties to said cause of action, nor any counsel thereto, and that I am not interested in the event(s) thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this the 10th Day of May, 2021.

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I, *Cassandra J. Stiles*, Notary Public in and for the County of Forsyth, State of North Carolina at Large, do hereby certify that there appeared before me the foregoing witness;

That the witness personally appeared before me at the date, time and location hereon captioned and was personally sworn by me prior to the commencement of the proceeding in the matter hereon captioned.

IN WITNESS WHEREOF, I have hereunto set my hand this the 10th Day of May, 2021.

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